

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SAFFIE ET AL. Atty. Ref.: 2491-67; Confirmation No. 3454

Appl. No. 10/576,448 TC/A.U. 1615

Filed: August 11, 2006 Examiner: Azpuru

For: COMPOSITE MATERIAL COMPRISING A POROUS SEMICONDUCTOR
IMPREGNATED WITH AN ORGANIC SUBSTANCE

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March 10, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is responsive to the Official Action of February 17, 2010 in which the examiner has identified four different groups of claims and urges that these various groups do not possess or relate to a single general inventive concept under PCT Rule 13.1. Applicants disagree.

At the outset, counsel wishes to confirm that the examiner is looking at the claims as presented in the Preliminary Amendment filed April 20, 2006. It will be noted that there are a total of 41 claims yet the Official Action only appears to recognize a total of 35 claims; *see* page 2 and compare with the Office Action Summary in which claims 36-41 are not mentioned (or grouped). It would appear that these claims relating to methods would fall within the examiner's category of Group V, methods of preparing a composite.

Applicants traverse this rejection and disagree with the lack of unity objection as it is not well founded – all of the groups of the inventions as identified by the examiner share the same technical feature of the high loaded composite material, and so meet the requirements of PCT

Rule 13.1. Indeed, no such lack of unity objection was raised by the PCT authorities when the present invention was in the International phase.

However, in order to be fully responsive, applicants wish to proceed with the Group I invention as identified, relating to the composite material. This should be claims 1-13, not claims 1-12 as the examiner has indicated.

Also applicants traverse to the extent that they may wish to have any non-elected claims which will be withdrawn from consideration rejoined once the composite material claims are allowable or allowed. Presumably this would refer at least to claims 17-41.

An examination on the merits is awaited taking into account the documents cited in the Information Disclosure Statement filed April 20, 2006, the ones cited in the International Search Report.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Arthur R. Crawford/
Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100